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SENATE COMMITTEE ON BUSINESS, LAW, & GOVERNMENT

March 12, 1997 Hearing Room H 177

1:00 PM Tapes 96 - 97

MEMBERS PRESENT:

Sen. Neil Bryant, Chair

Sen. Randy Miller, Vice-Chair

Sen. Kate Brown

Sen. Gene Derfler

Sen. Randy Leonard

Sen. David Nelson

MEMBER EXCUSED:

STAFF PRESENT:

Brian Krieg, Administrator

Vicki Champ, Administrative Support

MEASURE/ISSUES HEARD:

HB 2036 Public Hearing and Work Session

HB 2090 Public Hearing and Work Session

HB 2085 Public Hearing and Work Session

HB 2086 Public Hearing and Work Session

HB 2087 Public Hearing and Work Session

SB 143 Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

Tape/#	Speaker	Comments
TAPE 96, A		
005	Chair Bryant	Opens meeting at 1:10 p.m. and opens public hearing on HB 2036.
<u>HB 2036 PUBLIC HEARING</u>		
017	Brett Salmon	Committee extern, Willamette University. Explains HB 2036.
026	Fred McDonnal	Executive director, Public Employees Retirement System (PERS). Presents (EXHIBIT A) in support of HB 2036.
039	Brian Harrington	Government Relations Manager, PERS. Supports and explains HB 2036.
061	Chair Bryant	Closes public hearing on HB 2036 and opens work session on HB 2036.
<u>HB 2036 WORK SESSION</u>		
065	Sen. DERFLER:	MOTION: Moves HB 2036 be sent to the floor with a BE ADOPTED recommendation.
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. NELSON will lead discussion on the floor.
063	Chair Bryant	Closes work session on HB 2036 and opens public hearing on HB 2090.
<u>HB 2090 PUBLIC HEARING</u>		
074	Brett Salmon	Committee extern. Explains HB 2090.
081	Michelle	Manager, Fiscal, Performance and Planning, Oregon Employment Department. Presents (EXHIBIT B) in support of HB 2090 and

	Kennedy	explains HB 2090.
126	Chair Bryant	Asks about the budget proposal.
130	Kennedy	Answers extra federal funds are expected in the next biennium to process the increased workload. Explains there will not be an overall net reduction in the budget for the unemployment insurance program.
138	Sen. Leonard	Asks about increased time spans on eligibility of the workers.
140	Kennedy	Answers that the length of waiting time will not increase for workers.
145	Chair Bryant	Closes public hearing on HB 2090 and opens work session on HB 2090.
<u>HB 2090 WORK SESSION</u>		
145	Sen. LEONARD:	MOTION: Moves HB 2090 be sent to the floor with a BE ADOPTED recommendation.
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. LEONARD will lead discussion on the floor.
152	Chair Bryant	Closes work session on HB 2090 and opens public hearing on HB 2085.
<u>HB 2085 PUBLIC HEARING</u>		
155	Michelle Kennedy	Manager, Fiscal, Performance and Planning, Oregon Employment Department. Presents (EXHIBIT C) in support of HB 2085. Explains HB 2085.
176	Sen. Leonard	Asks about future funding.
180	Kennedy	States in the future the legislature may appropriate money for funding.
186	Chair Bryant	Closes public hearing on HB 2085 and opens work session on HB 2085.
<u>SB 2085 WORK SESSION</u>		
188	Sen. DERFLER:	MOTION: Moves HB 2085 be sent to the floor with a BE ADOPTED recommendation.
		VOTE: 5-1 AYE: 5 - Brown, Derfler, Miller, Nelson, Bryant NAY: 1 - Leonard
		The motion CARRIES.

	Chair Bryant	SEN. DERFLER will lead discussion on the floor.
193	Chair Bryant	Closes work session on HB 2085 and opens public hearing on HB 2086.
<u>HB 2086 PUBLIC HEARING</u>		
195	Michelle Kennedy	Manager, Fiscal, Performance and Planning, Oregon Employment Department. Presents (EXHIBIT D) in support of HB 2086.
212	Chair Bryant	Asks how many members serve on the commission.
213	Kennedy	Explains there are nine members and one chair.
216	Sen. Brown	Asks about possible redundant language.
223	Brian Krieg	Committee Administrator. States the wording would need to be reviewed for clarity.
225	Kennedy	Agrees the wording may be redundant.
229	Chair Bryant	States practical concerns.
234	Krieg	States it is probably a standard phrase used by Legislative Counsel.
239	Chair Bryant	Closes public hearing on HB 2086 and opens work session on HB 2086.
<u>HB 2086 WORK SESSION</u>		
240	Sen. BROWN:	MOTION: Moves HB 2036 be sent to the floor with a BE ADOPTED recommendation.
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.
248	Chair Bryant	Closes work session on HB 2086 and opens public hearing on HB 2087.
<u>HB 2087 PUBLIC HEARING</u>		
249	Michelle Kennedy	Manager, Fiscal, Performance and Planning, Oregon Employment Department. Presents (EXHIBIT E) in support of HB 2087. Explains HB 2087.
280	Sen. Nelson	Asks for an explanation of non-profit.
283	Kennedy	Explains the term within the language of HB 2087.
293	Sen. Leonard	Asks about church provided child care.

295	Kennedy	Responds.
301	Chair Bryant	Restates the goal is to meet a federal requirement.
302	Kennedy	Agrees that is correct.
312	Chair Bryant	Closes public hearing on HB 2087 and opens work session on HB 2087.
<u>HB 2087 WORK SESSION</u>		
315	Sen. Miller	MOTION: Moves HB 2087 to the floor with a DO PASS recommendation.
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. MILLER will lead discussion on the floor.
318	Chair Bryant	Closes work session on HB 2087 and opens public hearing on SB 143.
<u>SB 143 PUBLIC HEARING</u>		
335		Staff presents proposed amendments, hand engrossed amendments and submitted letter (EXHIBIT F).
338	Cam Birnie	Transportation Purchasing and Print Services, Oregon Department of Administrative Services. Presents amendments in support of SB 143 (EXHIBIT G).
<u>TAPE 97, A</u>		
002	Birnie	Continues presenting the exhibit.
086	Birnie	Continues presenting the exhibit.
112	Chair Bryant	Discusses reprinting the amendments in a more legible form.
105	Sen. Leonard	Refers to SB 234 that was passed out of committee several weeks ago.
123		Discussion of the 8-10 hour work day.
136	Chair Bryant	Clarifies the intent of SB 234.
141	Sen. Leonard	Comments on requiring employees to work 40 hours and the boundaries of what defines a work week.
176	Birnie	Explains which specific jobs would be effected by SB 143.
180	Dan Kennedy	Human Resources, Department of Administrative Services. Discusses section 4 of HB 2087. Explains the purpose of HB 2087 is to make the law consistent.
204	Chair Bryant	Discusses wording about "giving notice at time of hire."
222	Kennedy	Agrees with the comments on giving notice.

216	Sen. Leonard	Asks about 243.650 and if it pertains to all public employees.
223	Kennedy	Discussion of collective bargaining agreements.
250	Janet Hutchins	Contracts and Procurement Manager, Port of Portland, Multnomah County. Presents (EXHIBIT H) in support of SB 143.
287	Paul Reich	Portland Habilitation Center, Multnomah County. Presents (EXHIBIT I) in support of SB 143.
320	Sen. Leonard	Asks about Hutchins work week and her rate of pay versus janitors.
323	Reich	Responds janitors are paid \$7.50 an hour.
360		Discussion of janitors' salaries.
365	Sen. Miller	Asks if more people are interested in working weekends due to the better pay.
402	Reich	Explains the shifts are rotated.
412	Chair Miller	Asks why carpets were cleaned on the weekends at the airport, which is a busier time.
415	Hutchins	Explains the carpets were in the administrative offices.
TAPE 96, B		
017	Sen. Derfler	Asks about salary reductions.
023	Hutchins	Discusses salary contracts.
026	Sen. Brown	Asks if employees are hired with the understanding they will be required to work weekends.
030	Chair Bryant	Comments the only exception would be religious reasons.
069		Discussion of amendment drafts.
077	Karen Roach	Assistant Director, Human Resources, Oregon Department of Corrections. Presents (EXHIBIT J) in support of SB 143.
108	Roach	Discusses the department's operating costs, which could be reduced by SB 143.
117	Chair Bryant	Asks about the rate of pay for corrections officers.
128	Roach	Explains it is about \$16-22 per hour.
127	Tom Luther	Manager, Support Service Branch, Oregon Department of Transportation. Presents (EXHIBIT K) in support of SB 143.
170	Sen. Brown	Asks about statistics of how many of the employees have families and partners and comments on child care costs and compensations through overtime pay.
175	Roach	Explains the people hired understand the shifting workweek schedule.
188	Chair Bryant	Comments on child care on weekends.
181	Sen. Leonard	Asks about deletion of Sunday. Clarifies the amendments being considered.
220	Sen. Derfler	Asks about time and a half in federal pay status.
223	Roach	States she is uncertain of federal standards.

238		Discussion of employee time with families and previous testimony.
265	Bill Penhollow	Association of Oregon Counties (AOC). Supports SB 143. Comments on flexibility of contracts.
283	Chair Bryant	Asks about 10 hour workdays within 40 hour workweeks.
285	Maria Keltner	Local Government Personnel Institute, AOC, and League of Oregon Cities (LOC). Supports SB 143. Explains 8-10 hour days and overtime.
327	Penhollow	States he would like a copy of the amendments being considered.
318	David Barenberg	LOC. Supports SB 143. Cites example which saved Portland money.
337	Sen. Brown	Asks about the \$26,000 per year which the example saved.
364	Roy Soards	Executive Director, St. Vincent DePaul, Rehabilitation. Supports SB 143. Comments on competitive bidding problems due to the overtime wages. Comments the law is frequently not followed.
433	Sen. Brown	Asks about employees understanding their work schedules when they are hired and asks about average employee wages.
440	Soards	Responds the wages are about \$6.50 to \$7.50.
TAPE 97, B		
030	Lt. Col. Mike Caldwell	Oregon Military Department. Supports SB 143 and comments on ORS 399.075.
047	Rich Peppers	Oregon Public Employees Union. Presents (EXHIBIT L) in opposition to SB 143. Comments on the workers which would be affected by SB 143 and the 17% decrease in salaries for low wage jobs. Discusses the impact of lower wages on the state as a whole.
120	Mary Botkin	Political Coordinator, American Federation of State, County and Municipal Employees. Opposes SB 143. States the Department of Corrections is extremely understaffed and gives the example that last year 58 employees were denied vacations due to staffing needs.
179	Botkin	States the goals of the Oregon Benchmarks are ignored by SB 143. States the committee should be considering how to treat employees well, not worse. Expresses disappointment in the employers.
207	Chair Bryant	Discusses overtime for working over 40 hours per week.
236	Sen. Leonard	Asks about collective bargaining agreement.
261	Chair Bryant	Responds.
270	Sen. Leonard	Comments on the collective bargaining concept as it could relate to these workers.
278	Chair Bryant	Comments that SB 143 will be amended and clarified before it returns to the committee.
293	Sen. Brown	Comments on family supportive legislation which would pay good wages to most citizens.

337	Botkin	Comments on the issues not getting to the bargaining table.
325	Chair Bryant	Closes public hearing on SB 143 and adjourns meeting at 2:55 p.m.

Submitted By, Reviewed By,

Vicki Champ, Brian Krieg,

Administrative Support Administrator

Transcribed By,

Jennifer Peck,

Administrative Support

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EXHIBIT SUMMARY

A - HB 2036, written testimony, Fred McDonnal, 2 pp

B - HB 2090, written testimony, Michelle Kennedy, 7 pp

C - HB 2085, written testimony, Michelle Kennedy, 4 pp

D - HB 2086, written testimony, Michelle Kennedy, 4 pp

E - HB 2087, written testimony, Michelle Kennedy, 4 pp

F - SB 143, proposed-1 amendments and submitted letter, staff, 7 pp

G - SB 143, proposed amendments, Cam Birnie, 6 pp

H - SB 143, written testimony, Janet Hutchins, 1 p

I - SB 143, written testimony, Paul Reich, 1 p

J - SB 143, written testimony, Karen Roach, 1 p

K - SB 143, written testimony, Thomas Luther, 2 pp

L - SB 143, written testimony, Rich Peppers, 2 pp

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SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT

March 12, 1997 Hearing Room B

7:00 P.M. Tapes 98- 101

MEMBERS PRESENT:

Sen. Neil Bryant, Chair

Sen. Randy Miller, Vice-Chair

Sen. Kate Brown

Sen. Gene Derfler

Sen. Randy Leonard

Sen. David Nelson

STAFF PRESENT:

Jan Nordlund, Administrator

Donna Arens, Administrative Support

MEASURES HEARD:

SB 650 - Public hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

Tape/#	Speaker	Comments
TAPE, 98 A		
006	Chair Bryant	Opens meeting at 7:12
050	Chair Bryant	Gives introduction of bill and procedures for hearing, opens public hearing on SB 650.
<u>SB 650 - PUBLIC HEARING</u>		
067	Mark Toledo	Bennett, Hartman, Reynolds, & Wiser, representing Oregon Education Association (OEA), gives testimony in opposition to SB 650 (EXHIBIT A).
117	Toledo	Continues testimony
270	Chair Bryant	Comments on Toledo's testimony
296	Toledo	Responds to Chair Bryant's remarks
346	Toledo	Continues responding to Chair Bryant's questions
TAPE 99,A		
012	Sen. Derfler	Questions Toledo about dismissal process
015	Toledo	Responds
057	Sen. Leonard	Remarks on Toledo's comments to Sen. Derfler
069	Toledo	Responds
100	Sen. Leonard	Questions Toledo on section 11 of the bill and on collective bargaining
110	Toledo	Responds
115	Sen. Nelson	States that he has letters from people concerned about need for SB 650
125	Toledo	Responds
149	Francis Charbonnier	School Board Member, McMinnville School District # 40, gives testimony in support of SB 650 (EXHIBIT B)
199	Charbonnier	Continues testimony
234	Sen. Leonard	Addresses Charbonnier about funding
270	Charbonnier	Responds
		Questions Charbonnier about average number of students, time

309	Sen. Brown	period of teacher dismissal cases, and concern over good teachers being fired
315	Charbonnier	Responds
367	Sen. Derfler	Questions Charbonnier about teachers
372	Charbonnier	Responds
370	Karen Holmes	Parent of Curry County High School student, gives testimony in support of SB 650
TAPE 98, B		
018	Lorna Curry	Parent of Curry County High School student, gives testimony in support of SB 650
081	Lynn Blevins	Teacher from Englewood Elementary School in Salem, gives testimony in support of SB 650 (EXHIBIT C)
130	Chair Bryant	Questions Blevins on testimony
134	Blevins	Responds
141	Sen. Derfler	Questions Blevins on guidelines
145	Blevins	Responds
153	Richard Garrett	Teacher from Cleveland High School in Portland, gives testimony in opposition to SB 650 (EXHIBIT D)
202	Sen. Brown	Questions Garrett on average classroom size
205	Garrett	Responds that class size is a serious problem
226	Jan Kailey	Teacher from Madras, gives testimony in opposition to SB 650
281	Teresa Ferrer Carter	Teacher and member of Teacher Standards and Practices Commission (TSPC), gives testimony in opposition to SB 650 (EXHIBITS E,F)
331	Ferrer Carter	Continues testimony
TAPE 99,B		
016	Chair Bryant	Makes clarifications
048	Sen. Brown	Questions Ferrer Carter if she teaches at a bilingual school
050	Ferrer Carter	Responds she does work at a bilingual school, but does not teach in a bilingual classroom, and that she is bilingual
054	Sen. Brown	Question about bilingual and minority teachers
056	Ferrer Carter	Comments about diversity
065	Tom Husted	OEA field consultant for the Beaverton Education Association, gives testimony in opposition to SB 650 (EXHIBIT G)
116	Sen. Brown	Question on professional development
120	Husted	Responds
125	Sen. Leonard	Comments on 21st Century Schools Programs
154	Husted	Comments on two issues within schools
176	Tom Bennett	Coos Bay School Board, gives testimony in support of SB 650

240	Terry Rahmsdorff	Oregon School Board Association (OSBA), gives testimony in support of SB 650
290	Rahmsdorff	Continues testimony
304	Mike Collins	OSBA, gives testimony in support of SB 650
354	Collins	Continues testimony
378	Sen. Derfler	Comments on Collins' testimony
TAPE 100, A		
001	Collins	Responds
009	Sen. Leonard	Comments on unions
029	Collins	Discusses recommendations and checks and balances
041	Chair Bryant	Comments on employee/employer disputes
071	Sen. Brown	Makes comments on hiring/firing of gays and lesbians
075	Collins	Comments on social values
083	Rahmsdorff	Comments on discrimination
093	Sen. Leonard	Comments about "guilty until proven innocent" theory under SB 650
109	Rahmsdorff	Responds to comments
110	Sen. Leonard	Comments about tax kicker
137	Sen. Miller	Gives "which teacher do you keep" scenario
140	Rahmsdorff	Replies
175	Collins	States that this is not just a "numbers game"
19	Rahmsdorff	Responds
205	Sen. Nelson	Questions Collins about kicker
210	Collins	Responds
228	Chair Bryant	Enters testimony into the record provided by Ontario School District (EXHIBIT H), Wallowa Public Schools (EXHIBIT I), and Peter Tarzain from Citizens for Oregon Schools (EXHIBIT J)
236	Ethan Medley	OEA, gives testimony in opposition to SB 650 (EXHIBIT K)
300	Linda Mihata	OEA, gives testimony in opposition to SB 650 (EXHIBIT L)
350	Mihata	Continues testimony
380	Ray Jennings	Maintenance services, Salem-Keizer School District, discusses section 18 of SB 650 and general funding
TAPE 101, A		
001	Jennings	Continues testimony
056	Bob Monson	OEA, gives testimony in opposition to SB 650
107	Dave Fiore	OEA, gives testimony in opposition to SB 650
154	Glenn Harrison	OEA, gives testimony in opposition to SB 650 (EXHIBIT M)
194	Chair Bryant	Comments on Harrison's testimony

218	Sen. Brown	Question regarding penalties, limitations, and continuing education
233	Harrison	Responds
275	Anna Berry-Leon	OEA, gives testimony in opposition to SB 650 (EXHIBIT N)
376	Wayne Looney	OEA, gives testimony in opposition to SB 650
TAPE 100,B		
001	Loony	Continues testimony
035	Carolyn Fraiser	OEA, gives testimony in opposition to SB 650
067	Chair Bryant	Gives scenario, asks for feedback
074	Fraiser	Responds
099	Loony	Responds
152	Jon Hill	Lake County Education Service District (ESD), member of Teacher Standards & Practices Commission (TSPC), gives testimony in opposition to SB 650 (EXHIBIT O)
231	Louise Cline	Lebanon Teacher, gives testimony in opposition to SB 650 (EXHIBIT P)
288-425	Wayne Bachmann	Harney County citizen, gives testimony in support of SB 650
TAPE 101, B		
014	Sen. Brown	Question on criminal background, teachers, and volunteers
021	Chair Bryant	Adjourns meeting at 10:15

Submitted By, Reviewed By,

Donna Arens, Jan Nordlund,

Administrative Support Administrator

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EXHIBIT SUMMARY

A - SB 356, Written testimony, Mark Toledo, 10 pp

B - SB 356, Written testimony, Francis Charbonnier, 10 pp

C- SB 356, Written testimony, Lynn Blevins, 2 pp

D- SB 356, Written testimony, Richard Garrett, 2 pp

E- SB 356, Written testimony, Teresa Ferrer-Carter, 3 pp

F- SB 356, Written materials, Teresa Ferrer-Carter, 2 pp

G- SB 356, Written testimony, Tom Husted, 6 pp

H- SB 356, Submitted testimony, Ontario School District, 2 pp

I- SB 356, Submitted testimony, Wallowa Public Schools, 2 pp

J- SB 356, Submitted testimony, Peter Tarzain, 6 pp

K- SB 356, Written testimony, Ethan Medley, 1 p.

L - SB 356, Written testimony, Linda Mihata, 3 pp

M- SB 356, Written testimony, Glenn Harrison, 2 pp

N- SB 356, Written testimony, Anna Berry-Leon, 2 pp

O- SB 356, Written testimony, Lake County Education Service District, 3pp

P- SB 356, Written testimony, Louise Cline, 3 pp

Q- SB 356, Submitted testimony, Marc Abrahms, 4 pp

R- SB 356, Submitted testimony, Dr. Randy Harvey, 11pp
